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House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, September 6, 2006, at 2 p.m.

Senate

TUESDAY, SEPTEMBER 5, 2006

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord and Creator of humanity, bless this legislative body today. Give Senators, during these challenging times, the calmness of Your abiding presence. Break the tensions of partisan divisions with the soothing music of unified effort. Teach our lawmakers the importance of slowing down long enough to seek Your wisdom, to hear Your voice, to connect with each other and to send their roots deep into the soil of life's enduring values.

Empower each of us to grow toward the stars of our greater destiny.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under a previous order, the leadership time is reserved.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5631, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30th, 2007, and for other purposes.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, I have a short statement to make, and then I will reframe what I expect to happen over the course of this week and in the near future.

Similar to many of my colleagues, I spent the month traveling the country. I began in Tennessee and ended in Tennessee. I visited a number of States, from the west coast to the east coast, from Washington State to Florida. At each stop, I spent a lot of time doing what I hope, and I am sure, all of my colleagues did, listening, listening very carefully to what the American people are thinking and what they are feeling.

As I summarize and step away from the messages that were sent to me, it is pretty clear how we need to spend the next 4 weeks in the Senate before taking a break before the elections themselves. I will recite a few of the items and point out the direction that will lead us into the next several weeks.

I listened carefully, and again and again people confirmed what I already

knew: The Republican-led policies that we put into place are, indeed, working. To begin with, although despite derision from my colleagues on the other side of the aisle, the economy continues to grow. As we saw yet again last week, month after month we consistently have added new jobs. Productivity, the driving impetus that raises the standards of living, continues to accelerate, continues to go up. We have faced down many adverse developments, many adverse events in the past few years, including the 2001 recession, the terrorist attacks of September 11, corporate governance scandals, and more recently, the devastating hurricanes and substantial increases in the cost of energy.

People do feel the rising cost of energy at the pump each day. They feel the rising cost of health care.

As Federal Reserve Bank Chairman Ben Bernanke pointed out last week, despite all of these obstacles, our economy continues to advance and continues to grow. I am convinced, as are the constituents I met with during each stop across the country, the economic security we enjoy is due in large part to the Republican-led policies of tax relief and fiscal restraint we have implemented.

What is forefront in the minds of the American people is the economy; even more so is security—yes, economic security but security in general.

From Georgia to California, and each stop in between, the people I met want reassurance. They want to know when their family boards a plane, for example, on vacation or going to Disneyland, that plane will be safe.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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They want to know, when they hop on the subway or the Metro to go to work, that train will be safe. They want to know, when they fill up their gas tank, the money in their wallet is not going to end up in the hands of some terrorist overseas.

I share these same concerns. That is why we have set a very aggressive agenda for the remainder of this session that does focus on fighting and winning this war on terror.

Last week, one of my colleagues said that 99 percent of Democrats want to fight a strong war on terror. This week we will hold this Senate to that as we continue to debate Defense appropriations.

Our troops provide us an invaluable service. They fight daily on behalf of those enduring principles of freedom and liberty. For their invaluable service, we owe them the very best of resources.

The Defense appropriations bill is crucial to fighting a strong war on terror and to winning it. The bill provides our soldiers with the resources, the training, the technology, the equipment, the authorities they need to win the war on terror.

I encourage each of my colleagues to demonstrate their commitment to fighting and winning a strong war on terror by engaging in a productive debate, a debate that is on point and focused on how we can keep our troops strong to win this war.

At the end of the debate, I hope each and every one of my colleagues will join me in demonstrating our commitment to our troops, our commitment to strengthening and maintaining and enhancing our security at home and their commitment to winning the war on terror by voting to pass the Defense appropriations bill.

But there is more we in the Senate can and will do to help alleviate the concerns and fears the American people have about security and winning the war on terror. We need to strengthen port security. After months of negotiations on this critical issue, it is time to act. We need to pass the Homeland Security appropriations conference report. We need to confirm critical security nominees such as John Bolton, U.S. ambassador to the U.N.; Alice Fisher, DOJ's Assistant Attorney General for the Criminal Division; Kenneth Wainstein, first Assistant Attorney General for DOJ's new National Security Division.

We need to address the Supreme Court Hamdan decision, authorizing military commissions for terrorist combatants.

We need to send an energy package to the President so we can reduce that dangerous dependence on foreign sources of oil. Let's face it, we have a serious threat to our national security when nearly 60 percent of the oil we consume comes from foreign countries.

We need to strengthen the Terrorist Surveillance Program by modernizing the important Intelligence Surveil-

lance Act definition of "electronic surveillance" and "communication" and by enhancing congressional oversight. We need to consider legislation that builds on the progress we made last year with the bioterror bill, by further refining and enhancing our defenses against nontraditional terrorist attacks. We need to secure America's prosperity by bringing budget process reform to the Senate and by finalizing a very exciting bipartisan competitiveness agenda package.

We need to continue securing America's health by bringing health information technology legislation to conference. We must continue to secure America's values by promoting sound Government that begins with fulfilling our constitutional duty of advice and consent by bringing more judicial nominations to the Senate for confirmation.

And it continues with addressing Internet gambling. As it is now, this industry threatens to undermine the quality of life of millions of Americans by bringing an addictive behavior right into our living rooms.

As you can see, we have a lot on our plate. Bipartisan support on each of these issues is absolutely necessary. It is election time. The tendency is to make everything political. For the American people, we need to rise above this. We need to come together. We need to work together on these important issues that so dramatically impact the security of the American people, the security of our homeland.

As we learned last year with Hurricanes Katrina and Rita, on September 11, almost 5 years ago, complacency and passiveness have no place in the Senate. We must work together to ensure that we anticipate and address the problems facing everyday Americans. We must work together to keep America moving forward. We must work together to fight and, yes, win the war on terror.

Mr. President, let me take a final minute and update our colleagues on the specific schedule for today.

Under the order, we are to immediately return to the consideration of the Defense appropriations bill. We began this important funding measure prior to our adjournment. We were unable to finish it prior to that recess. Although we do not have a unanimous consent agreement on the bill, the Democratic leader agreed prior to the recess that we would finish the bill no later than Wednesday of this week, although discussions prior to our beginning today's session indicate it may be Thursday.

Chairman STEVENS is here today occupying the chair and is ready to consider amendments and make progress during today's session. I understand no one is ready, at this point, to offer an amendment.

ORDER OF PROCEDURE

Therefore, I ask consent there be a period of morning business until 2:30 today, with the time equally divided in

the usual form; and further, that at the conclusion of that period, we resume consideration of the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, as an additional reminder to Senators, this afternoon at 4:30 we will proceed to executive session for the consideration of Kimberly Ann Moore to be a U.S. circuit court judge. A vote will occur at 5:30 on the confirmation of this judicial nomination.

Having said that, I expect a productive week as we wrap up our business on the Defense appropriations bill.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

DOD APPROPRIATIONS

Mr. REID. Mr. President, as I indicated in conversation with the Presiding Officer and the majority leader, I indicated that we, the Democrats, would complete this bill in 2 days. We will do that. It will be Thursday because today, for a lot of reasons, not the least of which is the weather, we will not have much time to work on it. We will finish it Thursday. I indicated that to the manager of the bill and to the distinguished majority leader.

THE SENATE FAMILY

Mr. President, we are a family in the Senate. That includes not only the 100 Senators but the staff we have. Although he is off the Senate floor now, Jack Hickman, who has worked for the Senate for many years and sits right in front of me, had knee surgery or knee replacement. As a result of some things that do not work out as well as one could expect, he became gravely ill. We are so happy that all worked out, that he is now strong and healthy, and his knee works well, although the surgery was very traumatic, especially the side effects.

We are glad Jack is back and he is healthy. He represents the Senate family that works long Senate hours with little recognition. This morning you got a little recognition, which you deserve.

LEGISLATIVE PRIORITIES

Mr. President, the Chaplain, this morning, said the thoughts that were on my mind before coming here, and I certainly could not say them as well as he did, so I will read what he said in his own prayer:

Bless this legislative body today. Give Senators, during these challenging times, the calmness of Your abiding presence. Break the tensions of partisan divisions with the soothing music of unified effort.

That phrase in the prayer says it all. We need to work together. I want to focus on one thing, on one number, and that is 12. Twelve is very likely the number of legislative days remaining in this Congress, the 109th Congress. With the schedules we have kept in the past, we basically work 3 days a week. We have 4 weeks, counting today. That leaves 12 days. In a normal year, in a

normal Congress, it would be an enormous challenge to complete the work we have ahead of us in 12 days.

In this Congress, which I have not said but which pundits and editorials have called the do-nothing Republican Congress, it is mission impossible. Think about all that remains to be done.

On the domestic front, the start of the new fiscal year is just days away. The Senate has yet to pass a single appropriations conference report. There has not been a single appropriations bill sent to the President. There are 13 of them. Normally, we would have basically completed them by now, or at least have them all in conference. We in the Senate have completed one appropriations bill.

With millions of children returning to school this week, this Republican-controlled Congress has yet to pass an education funding bill. In addition, there are middle-class tax breaks that have been sidetracked. There has been a big detour. These need to be extended. Why aren't they extended? There was an agreement before we left between the House and the Senate conferees to have the so-called tax extenders passed. They agreed. But someone came up with an idea, as absurd as it now sounds, that they would stick the tax extenders on a flawed minimum wage increase and, of course, estate tax repeal. It came here. We wasted a significant amount of time on it. The extenders were not passed. People are still waiting to have them passed. These are not extenders that help only Democrats, they help the country.

I had the head of the Business Roundtable call me. He said it is so important we pass the research and development tax credit. It was one of the extenders that did not pass because of this crazy idea to lump them all together. As a result, we have nothing. We have no minimum wage increase. We did not do the extenders. And, of course, the American people, they are not out there fighting for 8,100. That is who benefits from the estate tax repeal. The American people knew this was a foolish idea, and the Senate responded by making sure that so-called "trifecta," that we named "defecta," did not pass.

The Medicare prescription drug bill needs to be fixed. Are we going to do that? Not likely. We have a crisis in health care. I used to talk about 40 million people having no health insurance during this administration. In these 6 years it has gone to 47 million Americans with no health insurance, and millions more who are underinsured.

Energy: Because of the demand being lessened, energy costs have dropped a little bit in the last few weeks. But that has not taken away from the fact that we use 21 million barrels of oil every day in America 7 days a week, and we import more than 60 percent of that. Are we doing anything about that? No. Twelve days to do all these things.

On the national security front, just as much work remains to be done, if not more. We are a nation at war. We are still vulnerable 5 years after 9/11, and we have yet to pass the Defense and Homeland Security bills. We are going to pass the Defense appropriations bill. We are going to do that sometime on Thursday. But we have to take that bill to conference, along with the other 12 appropriations bills before we can send them to the President.

Because of delays by this Republican Congress, our borders remain open and immigration reform remains stalled. There is also port security to be considered, a phase II investigation where we had the assurance from the Republican leaders of the Intelligence Committee that they could complete phase II. They have not done that. We still do not know how the intelligence information was manipulated in an effort to take us to war in Iraq. The American people are entitled to that information.

Twelve days to finish all this work. And do you know what. It appears we are not even going to try to finish the work. The Republican-dominated Congress is not even going to try to finish this work.

Today's New York Times has the headline: "GOP Lawmakers Set Aside Work on Immigration." Sunday's Washington Post had a similar article entitled: "GOP Focus on Security Issues to Sideline Other Matters."

The papers report that Republicans plan to leave in September with immigration undone, Medicare undone, ethics reform undone, and a budget undone. We do not have a budget. Then, after leaving here with nothing done, they are going to go out and try to convince the American people that after years of getting it so wrong, they now have the right prescription for our Nation's security.

Democrats welcome a national security debate. I hope we can have one. America needs one. There is no excuse for the Senate not completing its work. And I say, referring back to the Chaplain's prayer:

Give Senators, during these challenging times, the calmness of Your abiding presence. Break the tensions of partisan divisions with the soothing music of unified effort.

We want to work on a bipartisan basis to resolve the Hamdan decision. That is how we bring these terrorists to justice. We want to work with our colleagues on the Republican side of the aisle to work something out on the domestic spying front.

There is no excuse for the Senate not completing its work. But if Republicans want to work with Democrats during the next 4 weeks to address the mistakes of national security, we welcome that. It is about time. There is a reason the Senate faces this predicament. It is a reason we stare in the face: September 5. None of the people's legislative priorities have been addressed in this Congress. It is because this do-nothing Republican Congress

has wasted 20 months avoiding the people's priorities so they could play partisan games instead.

Think back over the last 2 years. Just take 2 years, not 4 years. We began, first of all, with a month-in and month-out debate dedicated to the so-called nuclear option, the Republicans' attempt to rewrite Senate rules so we would be another House of Representatives; that we would throw away the Constitution of the United States so the Federal courts could be packed.

Then, instead of addressing the crisis in health care or the crisis in energy, the Republican Senate moved to pet issues of their political base, such as the Terri Schiavo affair—a very personal issue that took an inordinate amount of time of the Congress. And, of course, we have spent weeks and weeks on a billion-dollar giveaway to repeal the estate tax to the richest of the rich.

This past summer was no different. The weeks in June and July were given to the marriage amendment and then flag desecration—two of the least pressing issues facing Americans today. In fact, I was stunned to read in the Washington Post today that Circuit Judge Wilkinson, who was said to be in line to be the President's selection to go on the Supreme Court, wrote an editorial saying: Do not amend the Constitution with the marriage amendment. It is unnecessary. It is wrong. Let the States take care of it.

Judge Wilkinson did that, one of the President's own: a waste of time, the marriage amendment.

Then, the 1 week we worked in August was given to the Republicans' infamous "trifecta" bill that I have spoken about earlier, the "defecta" bill, as we call it. In the words of Republican Congressman ZACH WAMP, Republicans tried to "outfox" the country into repealing the estate tax. Remember his famous quote: The only reason the Democrats are mad is we outfoxed them.

In the end, it was the Republicans who were outfoxed.

With 20 months wasted and just 12 days ahead of us, it is time for a new direction. We live in a very dangerous world. As we saw in Britain last month, there are terrorists around the world who want to do damage to Americans. Unfortunately, there are too many politicians in Washington who want to divide the country and play politics with national security instead of finding real solutions to keep America safe.

Again the Chaplain:

Give Senators, during these challenging times, the calmness of Your abiding presence. Break the tensions of partisan divisions with the soothing music of unified effort.

That is what we need: unified effort. It time for a new direction.

Next week our country will mark a solemn anniversary: 5 years since 9/11. I remember where I was on 9/11, right across the hall. Every Tuesday Senator

Daschle had a leadership meeting. At 9 o'clock in the morning, September 11, the towers were on fire. I saw them, as did all of America. I remember where I was, and I will bet every American can remember where they were.

Five years after 9/11 America is less safe than it should be. Today, only 5 or 6 percent of our ports are secure; cargo containers, 5 percent. Our chemical plants are vulnerable to attack. Our first responders do not have the materials to be the best they could be.

Interoperability all over America is not there. The man responsible for 9/11, Osama bin Laden, remains on the loose. The recommendations of the 9/11 Commission have been ignored by the administration.

This is the Republican record of the last 5 years. It is no wonder, with elections looming, they want to try to fix it in the next 12 days. Democrats have a better plan to keep America safe. It is called real security. It is tough, it is smart, and, as we laid out in a letter to President Bush yesterday, it starts by doing what the other side has refused to do: change course in Iraq.

While Iraq was not part of the war on terror before we invaded, today it is emboldening terrorists and recruiting new ones. For 2 years, the Republicans have been content to say "stay the course" in Iraq. They have stood with President Bush when he says: We're not leaving Iraq as long as I'm President.

That is wrong. They may think it is smart political strategy, but we know from what is happening around the world it is a failed security policy. Each day this Republican Government stays the course in Iraq, America grows less safe.

Since we last met, 75 American soldiers have been killed. I do not know how many have been wounded. It is approaching 21,000. My friend, the distinguished minority whip, has focused on doing something about head trauma with our veterans. In articles written this past week: 10 percent of those wounded have head trauma—10 percent. That means 2,100 probably. And that is only those who now recognize they have it.

As we know, as all the articles have said, a lot of the problems dealing with one's ability to think come later. A lot of times you can't see these head injuries, but these explosions cause the brain to do things it is not capable of handling. Yet we have been turned down in getting financial help for these people who have been wounded in Iraq.

Since we last met, I don't know how many Iraqi civilians have been killed, well over 1,000. I don't know how many have been damaged for life by their wounds. And since we last met, we have spent \$12 billion of the taxpayers' money in Iraq on this mismanaged war. The Pentagon now believes all the conditions exist for a civil war in Iraq. We have a civil war in Iraq. When this many people are killed, it is a civil war. The administration's most recent

report to Congress says it is only going to get worse.

Our military faces shortages of equipment and personnel that haven't been seen since Vietnam. Not a single Army nondeployed combat brigade is currently prepared to meet its wartime mission, and the chief of the National Guard has said the Guard is "even further behind or in an even more dire situation than the Army." At the same time, the war has emboldened regimes in North Korea and Iran, two countries which have grown their nuclear arsenals during this administration's watch.

These are the consequences of staying the course in Iraq: We are less safe, we face greater threats, and we are less prepared to meet them. Throughout this Congress, Democrats have come to the floor to demand—we have done it on the Senate floor, in interviews, through speeches in our States, and press conferences—that the President change course in Iraq; fight a better, smarter war on terror and secure the homeland; get good grades for the recommendations of the 9/11 Commission, not failed grades, as this administration has received.

Republicans have obstructed our efforts. We have offered amendment after amendment, and they have turned them down on a separate, party-line vote—amendments to protect nuclear plants, chemical plants, nuclear-power-generating facilities, amendments to help first responders—party-line votes, no. Republicans have obstructed our efforts and chosen to rubberstamp President Bush's failed security strategy.

With just 12 legislative days left before the end of this Congress, I once again ask my Republican colleagues: Is now the time for the Senate to hold President Bush accountable for his failed policies and demand a new direction? With the 5-year anniversary of 9/11 fast approaching—next Monday—it is time for America to refocus its efforts in the war on terror by implementing the recommendations of the 9/11 Commission, changing course in Iraq, and taking a smarter, better approach to hunting terrorists and preventing the next threat. We have 12 days to work together, not as Democrats and Republicans but as Americans doing everything we can to keep America safe.

On this side of the aisle, we are willing to work on these national security issues that we have read in the papers is what the Republicans want to focus on. We welcome that. But let's do it on a bipartisan basis so that when we finish our work, we are safer than when we started; not political diatribe, not an effort to embarrass one another but reflecting on what the Chaplain said today:

Give Senators, during these challenging times, the calmness of Your abiding presence. Break the tensions of partisan divisions with the soothing music of a unified effort.

We look forward to a unified effort. We take the challenge of spending this

month debating national security issues, if that is what the majority chooses. In the meantime, we recognize what has not been done with the domestic agenda, which is also extremely important.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN AMPLE AGENDA

Mr. DURBIN. Mr. President, I salute the Democratic leader for his opening remarks. This is the beginning of the September session of this Congress, as we roll toward the election. The majority leader has suggested we will be here for perhaps 3 or 4 weeks. I hope we can work together, as Senator REID suggested, in a bipartisan fashion. There is certainly an ample agenda before us, a lot of things we should be considering.

I spent most of August traveling up and down Illinois, in the city of Chicago and cities large and small. It is clear to me that there is much we need to do.

Yesterday was Labor Day. Yesterday I noted in the State of Illinois that 330,000 workers are making less than what we are proposing as an increase in the minimum wage. That means 330,000 individuals got up this morning and went to work in Illinois, taking on some of the tougher jobs, some of the dirtier jobs, some of the jobs that demand more time away from your family, and they are faced with a wage which cannot sustain their families.

Imagine living in a State governed by the Federal minimum wage of \$5.15 an hour—the same wage, the same level of wage it was 9 years ago. For 9 straight years, the Republican Congress and the Republican President have refused to increase the minimum wage for the lowest paid workers in America. This breaks with tradition.

Historically, this was a bipartisan issue. We didn't quarrel between Democrats and Republicans. We said: For goodness' sake, justice and fairness require that you give people who are working so hard for so little money an increase once in a while. The cost of living goes up; we know that. But for 9 years, the Republicans have said no, no increase in the minimum wage.

But there is an interesting thing to note. During that same 9-year period, when we have said that the lowest paid workers in America should be stuck at making around \$10,000 a year, Congress has voted itself an increase in pay of \$31,000 a year. We say no to millions of American workers, some of them single moms trying to raise their kids as best they can. We say no to increasing their minimum wage, and we increase the salary of Members of Congress.

We have taken a stand on the Democratic side. It is not going to happen this year. If the Republican majority